

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-158 are currently pending in this application. Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection Under 35 U.S.C. § 103

In paragraph 2 of the Office Action, the Examiner rejected the claims under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,761,650 to Munsil *et al* in view of U.S. Patent No. 5,673,402 to Ryan. In paragraph 3 of the Office Action, the Examiner stated that the previously-filed Declaration Under 37 CFR 1.131 of Richard Libman filed May 15, 2003 (hereafter the "First Libman Declaration") was ineffective to overcome the Munsil reference.

However, in a subsequent telephone conversation with the Examiner on September 12, 2003, the Examiner informed the undersigned that, after further consideration, it was the position of the Examiner that the First Libman Declaration was sufficient to establish conception and reduction to practice of the claimed invention to prior to December 29, 1995. Accordingly, the First Libman Declaration was sufficient to "swear behind" the Munsil reference and, thus, the rejection under Munsil and Ryan was withdrawn.

Public Use / On-Sale

On page 6 of the Office Action, the Examiner raised the issue of public use / on-sale with respect to Exhibit 9 of the First Libman Declaration. Exhibit 9 is an article "Agents' Net Home Pages Begin To Generate Leads" dated January 22, 1996. This article described one of Applicant's direct marketing campaigns.

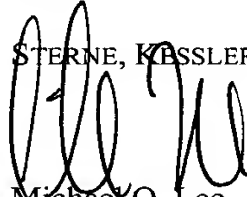
Submitted herewith is a second Declaration of Richard Libman (hereafter the "Second Libman Declaration"). In this Second Libman Declaration, Mr. Libman declares that the direct marketing program described in the above-mentioned article took place after June 10, 1995, but prior to December 29, 1995.

The applicable critical date of the pending claims is June 10, 1995, one year prior to the filing date of the parent application Ser. No. 08/661,004, filed June 10, 1996, now U.S. Patent No. 5,987,434. Accordingly, the pending claims are not barred under 35 U.S.C. § 102(b).

Conclusion

All of the stated grounds of rejection have been properly addressed, traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,



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